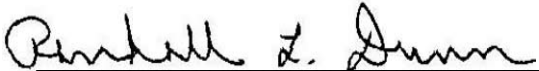


IT IS ORDERED AND NOTICE IS GIVEN that a hearing on the matter below shall be set by the court in a separate Notice of Hearing.

The filer of the objection is hereby directed to the related notice regarding service of this objection.


RANDALL L. DUNN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re
Impact Medical, LLC

)
) Case No. 15-31606-rdl11
)
)

)
) **OBJECTION TO CLAIM, AND**
) **ORDER AND NOTICE THEREON**
)

Debtor(s)

1. The undersigned objects to Claim No. _____*, filed in the amount of \$ 276,375.99, by:
(Enter the current claimant's name, proof of claim notice address, and FRBP 7004 service address(es) of claimant)

*Schedule F claim of:
EJ Duffy
1717 SW Highland Rd.
Portland, OR 97221

2. The undersigned objects to such claim on the ground(s) it (check all applicable sections):

- ☐ Duplicates Claim No. _____ filed by _____.
- ☐ Fails to assert grounds for priority.
- ☐ Was not filed on behalf of a real party in interest (e.g., does not include a copy of the assignment(s) upon which it is based).
- ☐ Appears to include interest or charges accrued after the filing.

- ☐ Appears that value of collateral exceeds debt.
- ☐ Arrearage asserted is incorrect.
- ☐ The creditor filed a secured claim, but neither: (a) specified that any portion of the claim should be treated as unsecured nor (b) requested a hearing to determine the value of their collateral, and therefore the trustee objects to any portion of the claim being treated as unsecured.
- ☐ The creditor filed a claim for taxes assessed against real or personal property of the debtor(s). The undersigned represents that the interest of the estate in the real or personal property against which the above taxes were assessed has no value in that the estate has no equity or interest in such property, and so under the provisions of 11 U.S.C. §502(b) no order can be made for payment of such taxes.
- ☐ Proof of claim does not include documentation required by FRBP 3001(c) and (d) (e.g., a copy of the note, or documents establishing secured status).
- ☒ Other:
Edward J. Duffy did not loan funds to the company. The funds that he purports to have loaned the company were funds he previously removed from the company without authorization. As a condition of Richard Edelson's investment in the company, Duffy was not supposed to take a salary. Duffy's only compensation was to come in the form of "sweat equity." He was not entitled to both "sweat equity" and a salary. Thus, given his unilateral decision to pay himself a salary, any loans he claims to have made to the company were capital investments to support his ownership stake in the company.

3. The undersigned recommends said claim be (check applicable box(es)):

- ☒ Disallowed in full.
- ☐ (If objection is based on failure to provide documentation) Disallowed for distribution: If an amended claim including the required documentation is not filed within 30 days of the filed date noted above, no distribution on account of the claim will be made by the trustee or debtor.
- ☐ Allowed as a SECURED claim for \$_____; a PRIORITY UNSECURED claim for \$_____; AND a NONPRIORITY UNSECURED claim for \$_____. [You must fill in each blank even if it is \$0.]
- ☐ (If amount of arrearage is contested) The amount of the arrearage is \$_____.

4. **THE UNDERSIGNED CERTIFIES THAT** a copy of any Withdrawal of this Objection will be served on all parties that were served a copy of this Objection (i.e., the U.S. Trustee, any trustee, debtor(s), the creditor at the address shown above, and their respective attorneys; and, if the creditor is a federal agency, on the U.S. Attorney for the District of Oregon and the U.S. Attorney General).

DATE: 11/04/15 /s/ Douglas R. Pahl Attorney for Richard Edelson
 Objecting Party Signature AND Relation to Case
Douglas R. Pahl, Perkins Coie LLP, 1120 N.W. Couch St., 10th Floor, Portland, OR 97209
 Objecting Party Name AND Service Address (Type or Print)
(503) 727-2087
 Objecting Party Phone Number

 (If Debtor is Objecting Party) Debtor's Address AND Taxpayer I.D.#(s) (last 4 digits)